

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

**El Paso Long Distance Company** :  
:  
**Petition for emergency relief to protect** : **04-0044**  
**Petitioner's Annual Report from disclosure** :  
**for not less than five years in order to** :  
**protect highly proprietary information.** :

**ORDER**

By the Commission:

On January 20, 2004, El Paso Long Distance Company filed a verified petition requesting the Commission enter an order protecting the Petitioner's 2003 annual report from disclosure. The Petitioner seeks to keep this information confidential for a period of not less than five years.

In the Petition, the Petitioner states the Commission has granted it a certificate of service authority to provide competitive telecommunications services in Illinois. The Petition states the information in its 2003 annual report is proprietary and confidential. It contends disclosure of this information to competitors or to potential competitors would be highly detrimental to it. The Petitioner requests the Commission grant proprietary and confidential treatment of its 2003 annual report for a period of at least five years.

Because all the facts necessary for the Commission to grant the relief requested were contained in the Petition, the Administrative Law Judge presiding over this proceeding determined no hearing was necessary.

Under Section 5-109 of the Act, all reports made to the Commission by public utilities are open to public inspection, unless otherwise ordered by the Commission.

Section 7(g) of the Illinois Freedom of Information Act exempts from disclosure:

trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm.

## 5 ILCS 140/7(g).

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) Petitioner El Paso Long Distance Company is a telecommunications carrier, as defined in Section 13-202 of the Public Utilities Act, and provides competitive telecommunications services, as defined in Section 13-209 of that Act;
- (2) the Commission has jurisdiction over the Petitioner and over the subject-matter of this Petition;
- (3) the recitals of fact set forth in the prefatory portion of this Order are supported by the Petition and are hereby adopted as findings of fact;
- (4) the verified Petition in this proceeding states that the Petitioner's 2003 Annual Report falls within the proprietary exemption of Section 7(g) of the Freedom of Information Act;
- (5) the Petitioner's request for an order protecting its 2003 Annual Report from public disclosure should be granted for a period of five years from the date of this Order, in accordance with Section 7(g) of the Illinois Freedom of Information Act and Section 5-109 of the Public Utilities Act;
- (6) when filing its 2003 Annual Report, the Petitioner should submit with the report a transmittal letter stating proprietary treatment was granted in this Docket and identifying the date this Order was entered.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the 2003 Annual Report filed by Petitioner El Paso Long Distance Company is afforded proprietary treatment, is exempt from public disclosure, and will be accessible only to the Commission and Commission Staff for a period of five years from the date of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply with Finding (6) of this Order.

IT IS FURTHER ORDERED that the Commission retains jurisdiction over the Petitioner and the subject-matter of this Petition for the purpose of issuing other orders, as it may deem necessary.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 21<sup>st</sup> day of April, 2004.

(SIGNED) EDWARD C. HURLEY

Chairman